

REMARKS

Claims 1-20 are pending in this application. Claims 1, 11, and 17 have been amended by this Amendment.

The Office Action dated December 29, 2005 objected to claims 15 and 16 as being substantial duplicates, and rejected claims 1 and 17 (and the claims dependent on them) as being indefinite under 35 USC 112, second paragraph. The Office Action also rejected claims 1-20 as being rendered obvious by the prior art under 35 USC 103(a).

Objection to Claims 15 and 16

The grounds for the objection to claims 15 and 16 is set forth in part 3 on page 2 of the Office Action. The claims are objected to under 37 CFR 1.75 as being substantial duplicates of each other. Applicant respectfully traverses the objection.

Claims 15 and 16 are not substantial duplicates of each other. Claim 15 relates to a home-network application server, whereas claim 16 relates to a visited-network application server. Although much of the wording of claims 15 and 16 are the same, the scope of the claims is substantially different. According to MPEP 706.03(k) a mere difference in scope between claims has been held to be enough.

Indefiniteness Rejection

The grounds for the objection claims 1 and 17 as being indefinite are set forth in part 4 on pages 2-3 and part 6 on page 3 of the Office Action. Specifically, the term "network identifier" and the phrase "free of the network identifier" are alleged to be vague and unclear. Applicant accepts the

suggested changes made in the rejection and has amended claims 1 and 17 to recite "network address" and "when generated at the first application-level entity is free of the network address identifying the network location."¹ It is thus believe that the indefiniteness rejection has been overcome by this Amendment.

Obviousness Rejection - Claims 1-3 and 15-20

The grounds for the obviousness rejection of claims 1-3 and 15-20 is set forth in part 8 on pages 4-10 of the Office Action. Specifically, the rejection asserts that the claims are obvious over the communication system having the call set-up process shown in Figs. 4a-6b and described in col. 3 of U.S. Patent No. 6,785,510 issued to Larsen (this communication system hereinafter being referred to as "Larsen") in view of U.S. Patent No. 6,266,695 issued to Huang et al and U.S. Patent No. 6,765,912 issued to Vuong. Applicant respectfully traverses the obviousness rejection at least because it fails to establish a prima facie case that the applied references suggest a communication system and method having each and every one of the combination of features recited in the rejected claims.

For example, independent claim 1 is directed to an apparatus in a communication system "facilitating bearer setup of a bearer between [a] communication node and [a] correspondent node through operation of a selected bearer manager, the selected bearer manager having a network address identifying a network location thereof". The apparatus is recited as comprising "a first bearer setup request generator associated with [a] first application-level entity" in the communication network and generating a first bearer setup request which "when generated at the first application-level entity" is "free of the network address identifying the network location." Independent claim 17 is directed to a method rather than an apparatus, but recites features substantially similar to the above mentioned

¹ Applicant has also corrected a minor error found in claim 11.

features recited in claim 1.

The term “bearer” used in the claims is explicitly mentioned in the background of the originally filed application as being “used, generally, to refer to a connection, at least upon a radio link extending to the mobile node from a network part of the communication system” and “generally refers to an entity formed by all factors that affect data transmission upon the radio link extending to the mobile.” A bearer is thus a physical entity underlying a call. A “bearer manager” is a network entity “that controls the bearer setup procedures.” See page 3, lines 9-16, of the specification.

The rejection acknowledges that Larsen is silent as to a bearer manager, but asserts that it would have been obvious to combine Larsen "with the bearer manager taught by Huang because this system would enable the user to perform various review, management and control functions regarding the status and configuration of telecommunications switching systems." The Huang patent generally relates to telecommunication switching. While the bearer client manager 66 in the preferred embodiment described in the Huang patent does perform the functions quoted in the rejection (see col. 10, lines 5-13), the Huang patent does not contain a teaching that would prompt one of ordinary skill in the art to seek to combine the bearer manager client with Larsen. Indeed, the dedicated Operation Support Systems that the Huang patent teaches against (see col. 1, lines 27-55) also perform various review, management and control functions. The teaching of the Huang patent would not prompt one of ordinary skill in the art to make the highly selective combination with Larsen that is proposed in the rejection.

Furthermore, the proposed combination could not be made easily as might be implied by the rejection. It seems that the rejection merely assembles parts of the claimed invention from different references using the hindsight afforded by this application. Larsen is admitted to be a peculiar type of

wireless communication system with allegedly unique routing between distributed mobile stations. The Huang patent is directed to a wired telecommunications network with a sophisticated and somewhat centralized operational support system. In addition to the reasons set forth above why one would not seek to make the selective combination proposed in the rejection, it is not at all clear to one of ordinary skill in the art as to how they should go about combining Larsen with the Huang patent since they are different kinds of systems.

The rejection acknowledges that Larsen and the Huang patent do not suggest the recited features of a first bearer setup request generator "associated with the first application-level entity" or generating a first bearer setup request for requesting the selected bearer manager to create the bearer..." which "when generated at the first application-level entity" is "free of the network identifier identifying the network location." However, the rejection asserts that the Vuong patent discloses these features and that it would have been obvious to combine the first bearer setup request disclosed by Vuong "because this system would avoid bandwidth being idle by reserving necessary resources on both networks when two different networks are used."

Once again, while the part of the preferred embodiment described in the Vuong patent (col. 5, line 60, to col. 7, line 35) does have the characteristics quoted in the rejection, these characteristics are not a teaching to one of ordinary skill in the art that Larsen should be modified in the manner suggested in the rejection. Indeed, the rejection fails to address the teaching at, for example, col. 2, lines 6-31, of the Vuong patent. Once again, the rejection merely seeks out and locates different parts of the claimed invention in different references. There is no reason given in the Vuong patent which would prompt one of ordinary skill in the art to attempt to make the combination that is proposed in the rejection.

Claims 2, 3 and 17

In addition to the above features recited in claims 1 and 17, claims 2, 3 and 17 recite further features related to an interaction and/or interoperability of application layer processes and entities and transport layer processes and entities, and specifically that the first bearer setup request generator forms a portion of the application level and the first bearer setup request is sent to the transport layer. Applicant submits that claims 2, 3, and 17 are additionally allowable because the applied references do not suggest these additional features.

The rejection relies upon col. 7, line 36, to col. 8, line 48, of the Vuong patent. However, the cited disclosure does not indicate of how a bearer setup request is processed between the application layer and the transport layer as recited in these claims.

Claims 15 and 16

Claims 15 and 16 are dependent on claim 1 and recite that the communication system includes a home network and a visited network, wherein the first application-level entity associated with the first bearer setup request generator comprises an application server in the home network or visited network, respectively. The obviousness rejection refers to various portions of the Vuong patent when rejecting these claims, however none of the cited portions disclose the recited features. The rejection further states that Vuong "would easily be integrated within the home office thus securing greater market share." However, it is not understood how this is relevant to the features recited in claims 15 and 16.

Obviousness Rejection - Claims 4-14

The grounds for the obviousness rejection of claims 4-14 is set forth in part 9 on pages 10-16 of the Office Action. Specifically, in addition to the reference set forth in the rejection of claim 1, the rejection of claims 4-14 additionally relies upon U.S. Patent No. 6,714,515 issued to Marchand. Applicant respectfully traverses the obviousness rejection at least because it fails to establish a prima facie case that the applied references suggest a communication system and method having each and every one of the combination of features recited in claims 4-14.

Claim 4 additionally recites that the first bearer setup request is sent to an AAA (Authentication Authorization Accounting) entity. Claim 5 is dependent on claim 4 and each one of claims 6-14 is dependent, directly or indirectly, on claim 5. Claim 5 additionally recites a second bearer setup request generator "associated with the AAA entity and coupled to receive an indication of the first bearer setup request ..." and generating "a transport-level bearer setup request" that is delivered "to the selected bearer manager to request the bearer manager, when delivered thereat, to create the bearer. . ."

The rejection additionally asserts that the claims are obvious in view of a further combination of the three patents applied in the rejection of claim 1 with the Marchand patent. The rejection cites col. 5, lines 25-31, of the Marchand patent and asserts that a four-way combination including the Marchand patent "would allow for accurate billing of services provided." The rejection is not proper because it focuses on a portion of the disclosure of the Marchand patent. The cited portion is not a teaching that would prompt one of ordinary skill in the art to attempt to make the combination proposed in the rejection. It does not suggest that a first bearer setup request be sent to an AAA entity or a second bearer setup request generator "associated with the AAA entity and coupled to receive an

indication of the first bearer setup request ..." and generating "a transport-level bearer setup request" that is delivered "to the selected bearer manager to request the bearer manager, when delivered thereat, to create the bearer. . ." Furthermore, the rejection does not establish why or how accurate billing would prompt one of ordinary skill in the art to make the proposed combination.

Conclusion

Applicant thus submits that all of the pending claims, claims 1-20, are allowable over the applied prior art for at least the reasons stated above. There being no other issues in this application, applicant respectfully requests a Notice of Allowance.

The Commissioner is hereby authorized to charge any additional fees necessary for the consideration of this Response Amendment, or credit any overpayment to the undersigned attorney's Deposit Account No. 10-0100 (Dkt. No. NOKIA.5003US).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert M. Bauer", written over a horizontal line.

Robert M. Bauer, Registration No. 34,487
Lackebach Siegel LLP
One Chase Road
Scarsdale, NY 10583
Tel.: 914-723-4300
Fax.: 914-723-4301